

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

CITY OF COLUMBIA

APPELLANT,

**v.
WILLIAM PALMER;**

RESPONDENT,

**TREASURER OF THE STATE OF
MISSOURI - CUSTODIAN OF THE
SECOND INJURY FUND**

RESPONDENT.

DOCKET NUMBER WD79225

DATE: August 23, 2016

Appeal From:

Labor and Industrial Relations Commission

Appellate Judges:

Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

Attorneys:

Richard L. Montgomery, Jr., Columbia, MO, for appellant.

Erin Smith and Maggie May Ahrens, Jefferson City, MO, for respondent Second Injury Fund.
Truman E. Allen, Columbia, MO, for respondent William Palmer.

MISSOURI APPELLATE COURT OPINION SUMMARY

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**TREASURER OF THE STATE OF
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No. WD79225

Labor and Industrial Relations

Before Division Two: Karen King Mitchell, Presiding Judge, Cynthia L. Martin, Judge and Gary D. Witt, Judge

The City of Columbia appeals the decision of the Labor and Industrial Relations Commission awarding benefits because the City's employee, William Palmer, was permanently and totally disabled due only to a workplace injury he suffered after being pinned between a trash truck and a pole while at work.

AFFIRMED

Division Two holds:

1. The Commission's conclusion that Palmer was permanently and totally disabled based on his last injury alone is supported by substantial, competent evidence on the record as whole.
2. Because Palmer's last injury resulted in the Palmer's permanent, total disability, the Second Injury Fund has no liability, and the City is responsible for the entire amount of compensation.
3. Because the last injury rendered Palmer permanently and totally disabled, the schedule of losses for permanent partial disability set forth in section 287.190 is irrelevant to the City's compensation obligation.
4. There was no evidence from any source that Palmer's pre-existing injuries persisted at the time of the last injury or constituted a hindrance or obstacle to Palmer's employment, the essential conditions to Second Injury Fund liability.

5. The Commission did not err in ordering the City to provide future medical treatment to Palmer. A claimant needs only to show a reasonable probability that the future treatment may be necessary because of a work related injury.

Opinion by Cynthia L. Martin, Judge

August 23, 2016

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